

REMARKS

This Amendment is filed with a Request for Continued Examination. The amendment to the claims includes substantive changes and, thus, expected to require further consideration and/or search.

Status of the Claims

Claims 1 and 6 are amended to further define the desorption cell. Support for the amendment to the claims may be found, for example, the description of Figure 3 in the paragraph bridging pages 6 and 7, page 7, lines 7-15, and Figure 3 itself.

Claims 1 and 3-11 are also amended as to form.

Claims 1 and 3-11 remain in this application.

Claim Rejections-35 USC §102

Claims 6-9 were rejected under 35 U.S.C. §102(b) as being anticipated by SQUICCIARINI US 2003/0021731 ("SQUICCIARINI"). This rejection is respectfully traversed for the reasons below.

Independent apparatus claim 6 is directed to an analyzer with a desorption cell (1) formed from a space (41) into which a sample is inserted. The desorption cell includes a removable closure (43) for hermetically sealing the cell. This closure provides a baffle (60) for selective fluid communication

between said space and an area external from said space when said desorption cell is hermetically sealed. This baffle allows one to carry out a calibration cycle by injecting a solution into the sealed desorption cell. The desorption cell of Figure 3 (as amended December 21, 2004 to correct the labeling of the drawing) is provided below:

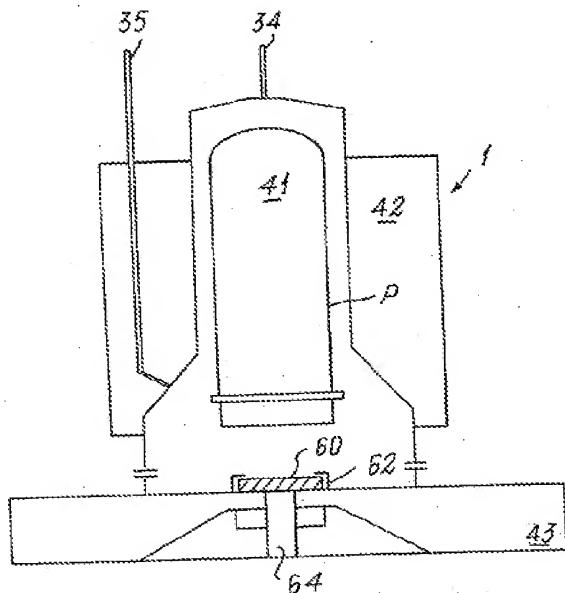
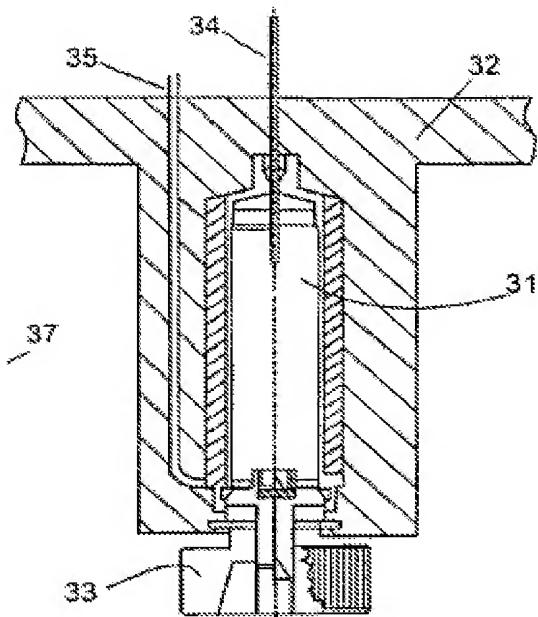


FIG. 3

SQUICCIARINI also discloses an analyzer that utilizes a desorption cell, and requires a vial to contain a sample during analysis as shown below:



However, the closure 33 does not provide selective fluid communication between the space from which the cell is formed and an area external from said space when the desorption cell is sealed.

Therefore, SQUICCIARINI does not disclose the claimed device and withdrawal of the rejection is respectfully requested.

Claim Rejections-35 USC §103

Claims 1, 4 and 5-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over SQUICCIARINI in view of ANDREWS et al. WO 01/02489 ("ANDREWS") and TREECE et al. U.S. 5,968,429 ("TREECE"). This rejection is respectfully traversed for the reasons below.

Independent method claim 1 includes the step of locating the PET sample in a desorption cell formed from a space, and the PET sample being encompassed by and in intimate contact with that space. That is, the claimed method does not require a vial to contain the sample.

SQUICCIARINI, however, utilizes a method of analysis that requires the use of a vial to contain a sample. While SQUICCIARINI may locate a sample in a desorption cell formed by a space, it is the vial, not the sample itself, which is encompassed by and in intimate contact with the space.

Neither ANDREWS nor TREECE can remedy the shortcomings of the method of SQUICCIARINI for reference purposes. ANDREWS discloses analysis utilizing a vial, e.g., on page 6 "Acetaldehyde Analysis", and TREECE is directed to a molding method. Neither of these documents suggests modifying the analyzer of SQUICCIARINI so that analysis can be carried out without a vial, or so that the sample is encompassed by and in intimate contact with the space from which the cell is formed.

Indeed, to modify SQUICCIARINI such that a vial would not be used would render the analysis method unsatisfactory for its intended use.

Thus, claim 1, as well as dependent method claims 4 and 5, are not rendered obvious by the proposed combination of documents.

As to independent apparatus claim 6, as well as dependent claims 7-9, as discussed above relative to the anticipation rejection of claims 6-9, SQUICCIARINI does not disclose the claimed cell closure.

Neither ANDREWS nor TREECE can remedy the shortcomings of the apparatus of SQUICCIARINI for reference purposes. ANDREWS discloses analysis utilizing a vial, e.g., on page 6 "Acetaldehyde Analysis", and, thus, at best, supports the apparatus structure as disclosed in SQUICCIARINI. TREECE is directed to an extruder. Thus, neither of these documents suggests modifying the analyzer of SQUICCIARINI to include a closure for hermetically sealing the cell and providing a baffle for fluid communication.

Indeed, one of ordinary skill in the art would have been discouraged from modifying SQUICCIARINI in such a way, as the vial rests on the cell closure. As a result, such a baffle would be rendered useless.

Thus, apparatus claims 6-9 are not rendered obvious by the proposed combination.

Therefore, withdrawal of the rejection is respectfully requested.

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over SQUICCIARINI in view of ANDREWS and TREECE, further in view of JERMAN et al. US 4,471,647 ("JERMAN"). This rejection is respectfully traversed for the reasons below.

As discussed above relative to independent method claim 1, the combination of SQUICCIARINI with ANDREWS and TREECE fails to render obvious the claimed invention.

Regardless of the ability of JERMAN to teach that for which it is offered, JERMAN does not remedy the shortcomings of SQUICCIARINI with ANDREWS and TREECE for reference purposes. There fails to be any suggestion to modify the method of SQUICCIARINI so as to exclude the use of a vial.

Therefore, withdrawal of the rejection is respectfully requested.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over SQUICCIARINI or SQUICCIARINI in view of ANDREWS and TREECE, further in view of TAKAOKA et al. US 2002/0017192 (TAKAOKA). This rejection is respectfully traversed for the reasons below.

However, Regardless of the ability of TAKAOKA to teach that for which it is offered, TAKAOKA does not remedy the shortcomings of SQUICCIARINI alone, or in combination with ANDREWS and TREECE, for reference purposes. There fails to be any suggestion to modify the apparatus of SQUICCIARINI so as to provide the recited closure feature.

Therefore, withdrawal of the rejection is respectfully requested.

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over SQUICCIARINI or SQUICCIARINI in view of ANDREWS and TREECE, further in view of WEGENG et al. US 2003/0015093 (WEGENG). This rejection is respectfully traversed for the reasons below.

However, Regardless of the ability of WEGENG to teach that for which it is offered, WEGENG does not remedy the shortcomings of SQUICCIARINI alone, or in combination with ANDREWS and TREECE, for reference purposes. There fails to be any suggestion to modify the apparatus of SQUICCIARINI so as to provide the recited closure feature.

Therefore, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the amendment to the claims and the foregoing remarks, this application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to our credit card which is being paid online simultaneously herewith for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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